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# Republicans, Democrats, & Doctors: The Lawmakers Who Wrote Sterilization Laws

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**Abstract:** During the 20th Century, thirty-two state legislatures passed laws that sanctioned coercive sexual sterilization as a solution to the purported detrimental increases in the population of “unfit” or “defective” citizens. While both scholarly and popular commentary has attempted to attribute these laws to political parties, or to broad or poorly defined ideological groups such as “progressives,” no one has identified the political allegiance of each legislator who introduced a successfully adopted sterilization law, and the governor who signed it. This article remedies that omission.

Between 1907 and 1937, thirty-two states passed eugenical sterilization laws that allowed physicians in state institutions to operate on patients without their consent. The goal of those state sanctioned surgeries was to render the patients infertile, purportedly “for the health of the individual patient and the welfare of society.”<sup>1</sup> Although the body of literature on the history of American eugenics has grown dramatically in the past three decades, there is to date no analysis of the lawmakers who sponsored the sterilization laws. This study is an effort to fill that gap. It contains a state-by-state listing of every legislator who

introduced a sterilization law that ultimately passed, and it identifies those lawmakers by political party. It also reveals that political labels such as Republican/Democrat or “Progressive” are of little use in understanding who sponsored eugenic laws.

I focus on sterilization laws in this article because they represent one of the more infamous intrusions on individual liberties enacted in the name of eugenics. They are also relatively unique and easily identified, unlike the various kinds of “eugenic marriage laws” that required medical examinations before marriage or excluded some people from marriage because of their supposedly hereditary “defects.”<sup>2</sup> Similarly, I have not dealt with the so called “racial integrity” laws that prohibited interracial marriage. Those statutes require separate analysis, both because they were often passed before the formal eugenics movement began, and also because tracing changes in existing laws (rather than separate and new ones) requires a different type of analysis. Finally, I have not included attempts, successful or otherwise, to amend the sterilization statutes I have listed.

Table I includes the names of legislators designated as the primary sponsors of bills to authorize surgery in each state with a sterilization law, and the governors who signed those laws. I searched the annual *Acts of Assembly* for each state, determined from the legislative records who had presented the relevant bill, then identified the governor who had signed the bill into law. In some cases, secondary sources and contemporary newspapers also provided the necessary information. I then identified every state legislator and governor by political party and profession/vocation. Table II lists by state and party each governor who vetoed a sterilization bill.

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Table I

**Sterilization Supporters: Legislators and Governors**

Date	State	Legislator	Party	Governor	Party	Number Sterilized <sup>37</sup>
1907	Indiana	Horace D. Read <sup>38</sup>	R	J. Frank Hanley <sup>39</sup>	R	2424
1909	Washington	W.T. Christensen, MD E.L. Farnsworth	R D	M.E. Hay	R	685
1909	California	W.F. Price	R	James N. Gillett	R	20108
1909	Connecticut	Wilbur Tomlinson	R	F.B. Weeks	R	557
1911	Iowa	Eli C. Perkins	R	B.F. Carroll	R	1910
1911	New Jersey	B.H. White	R	Woodrow Wilson	D	0
1911	Nevada	Code Commission <sup>40</sup>		Tasker Odie	R	0
1912	New York	Robert P. Bush, MD	D	John Dix	D	42
1913	North Dakota	W.H. Northrup	R	L.B. Hanna	R	1049
1913	Michigan	Arthur Odell	R	Woodbridge N. Ferris	D	3786
1913	Kansas	A.B. Scott, MD	D	George H. Hodges <sup>41</sup>	D	3032
1913	Wisconsin	George E. Hoyt, MD	R	Francis E. McGovern	R	1823
1915	Nebraska	H.P. Shumway	R	John H. Morehead <sup>42</sup>	D	902
1917	Oregon	Arthur K. Peck	R	James Withycombe	R	2341
1917	South Dakota	R.W. Labrie	R	Peter Norbeck	R	789
1917	New Hampshire	Ervin Hodsdon, MD	R	Henry Keyes	R	679
1919	North Carolina	Dennis G. Brummitt	D	Thomas W. Bickett	D	6851
1919	Alabama	S.C. Cowan	D	Thomas E. Kilby	D	224
1923	Montana	H.T. Rhoads, I.A. Leighton, MD J.C.F. Siegfriedt, MD	R	Joseph M. Dixon <sup>43</sup>	R	256
1923	Delaware	Douglas C. Alle	R	William Denny	R	945
1924	Virginia	Marshall Booker	D	E. Lee Trinkle	D	8300
1925	Idaho	Edward Thoreson, pharmacist <sup>44</sup>	R	Chas. C. Moore	R	38
1925	Utah	Leroy Dixon	R	George Dern	D	772
1925	Minnesota	Edwin MacLean <sup>45</sup>	Indep	Theodore Christianson	R	2350
1925	Maine	Alexander Spiers	R	Ralph Owen Brewster	R	326
1928	Mississippi	Wiley Harris	D	Theodore Bilbo	D	683
1929	West Virginia	Bernard Wilmer West, DDS	R	William G. Conley	R	98
1929	Arizona	G.W. Nelson	D	John C. Phillips	R	30
1931	Vermont	Edward R. Clark, MD	R	Stanley Wilson	R	253
1931	Oklahoma	J.T. Gray, MD	D	William Murray	D	556
1935	South Carolina	R.G. Blackburn, MD	D	Olin Johnson	D	277
1937	Georgia	Roy V. Harris, MD	D	Eurith D. Rivers	D	3284
<b>Totals</b>	<b>32</b>					<b>65370</b>

Table II

**Vetoed Sterilization Bills**

Year	State	Legislator	Party	Governor	Party
1905	Pennsylvania	Wm. C. Sproul	R	Samuel Pennypacker	R
1909	Oregon	John B. Coffey	R	George Chamberlain	D
1913	Vermont	Elmer Johnson	R	Allen M. Fletcher	R
1913	Nebraska	H.P. Shumway Heasty	R	John H. Morehead	D
1919	Idaho	T.R. Mason	D	David W. Davis	R
1921	Pennsylvania	George Woodward MD	R	Wm C. Sproul	R
1927	Colorado	J. Tegarden, E.W. Newland, MD C.E. Works, Henry Toll	R D R R	William H. Adams	D
1935	Georgia	Ellis Arnall	D	Eugene Talmadge	D
1937	Alabama <sup>46</sup>	Aubrey Dominick, Hayse Tucker	D	David Bibb Graves	D
	Sponsors: Republicans in 5 states Democrats in 3 states	Colorado, bipartisan		4 Republicans 5 Democrats	

**Were Eugenic Sterilization Bills Sponsored by Republicans or Democrats?**

Identifying the political and ideological allegiances of individual advocates of eugenics can be helpful in understanding how eugenics became a major theme in American law in the first half of the 20th Century. But claiming that we can understand eugenic legal history as the product of a single party or advocates on one side of the political spectrum is incorrect.

Even when “eugenics” was word known in every household it was hardly the property of any political party. Rather than describing the laws passed in eugenics’ name as a product of partisan politics, this paper simply catalogues the legislators who championed sterilization laws and identifies the political party with which they identified.

**Summary Findings**

Nineteen of the thirty-two states with sterilization laws were sponsored by Republican legislators alone, while ten states had only Democrats as sponsors. Washington had both Democratic and Republican sponsors, the Minnesota law was drafted by an Independent, and Nevada’s statute was presented by a nonpartisan Code Commission consisting of state Supreme Court Justices, with no named sponsors.

Governors who signed the sterilization laws were distributed similarly. There were nineteen Republican Governors and eleven Democratic Governors

whose signature made sterilization the law. In two states (Kansas, 1913 and Nebraska, 1915) legislators advanced bills that were passed but became law without a Governor’s signature. In Kansas the sponsoring legislator and the Governor were Democrats; in Nebraska the legislator and the Governor were Republicans.<sup>3</sup> In at least six states (Washington, New Jersey, Michigan, Utah, Arizona, and Minnesota) there was bipartisan support for a sterilization law — a Governor of one party and sponsor(s) from another.

## Box I

**Summary Findings**

Number of States with Sterilization Laws	Party Affiliation of Sponsors	Governors Who Signed Sterilization Laws
32	19 Republican 10 Democrat  1 Bipartisan  1 Independent  1 Nonpartisan Code Commission	19 Republican 11 Democrat  2 laws adopted without Governor’s signature

Governors who supported or opposed sterilization were also important. They sometimes signaled their support for a eugenical sterilization law in a campaign speech or inaugural address.

For example, Oregon Governor Oswald West (Democrat, 1913) announced his support for a sterilization law, saying:

We confine the vicious and irresponsible for a while, only to send them forth to blight the future by the creation of defective children that will grow into the criminal and the imbecile. Society is crying for protection, and this protection should be given. False modesty, in the past, has caused us to speak softly and to handle this subject with gloved hands. Recent disclosures have emphasized the fact that the time has come to speak aloud.<sup>4</sup>

James Withycombe (Republican, 1915) echoed those sentiments:

I am more and more convinced that the reproduction of the mentally unfit is absolutely wrong. Through our shortsighted inaction we are populating our State with imbeciles and criminals, insuring ever-increasing public expense and opening the way for disease, sorrow and tragedy for generations yet unborn ... To mend this situation, I earnestly urge the passage of a sane Sterilization Act.<sup>5</sup>

Speaking in a similar vein, Vermont Governor Stanley Wilson (Republican, 1931) called for a sterilization law early in his term, saying:

I believe it is folly to keep erecting more buildings for our feeble-minded and insane and yet disregard ordinary business and social precautions. The Supervisors of the Insane in their biennial report recommend the enactment of a properly safeguarded sterilization law. You will do well to give this matter serious consideration.<sup>6</sup>

Others, like North Carolina Governor Thomas Walter Bickett (Democrat, 1919), provided their full-throated endorsement for a sterilization law after its passage:

In my opinion the most important and the most advanced step taken in the domain of health laws is the statute that gives authority to the medical staffs in our penal and charitable institutions to perform operations on inmates of

those institutions that will make it impossible for incurable lunatics and imbeciles to “multiply and replenish the earth.” ...<sup>7</sup>

Governors were also important in rejecting eugenical sterilization laws. Nine bills were passed by state legislatures, only to be vetoed by governors. In five of those states, Republican lawmakers sponsored the bills. They were met with vetoes by three Republican governors, and twice by Democrats. In the three states where Democratic legislators had sponsored successful bills, the veto came from one Republican and two Democratic governors. In Colorado, a bipartisan group of Republicans and Democrats sponsored a successful bill, but it was vetoed by a Democratic governor.

Veto messages were also revealing. In contrast to the champions of state sponsored surgery, Pennsylvania Governor Samuel Pennypacker vetoed what could have been the first law in the country to allow sterilization, in 1905.

It is plain that the safest and most effective method of preventing procreation would be to cut the heads off the inmates, and such authority is given by the bill to this staff of scientific experts ... Scientists like all men whose experiences have been limited to one pursuit ... sometimes need to be restrained. Men of high scientific attainments are prone ... to lose sight of broad principles outside of their domain ... To permit such an operation would be to inflict cruelty upon a helpless class ... which the state has undertaken to protect.<sup>8</sup>

Colorado Governor William H. Adams (Democrat, 1927) listed his own motives for a veto, noting that it applied only to people who were wards of the state, and

The end sought to be reached by the legislation can be obtained by the exercise of careful supervision of the inmates without invoking the drastic and perhaps unconstitutional provisions of the act ... any compulsory violation of the person of an individual is undesirable.<sup>9</sup>

Alabama Governor David Bibb Graves (Democrat, 1935) rejected a revised and expanded sterilization law, saying:

I am convinced that the social benefits expected to result from this bill are dependent largely upon theories, upon which the experts are far from agreement. The hoped for good results are

not sure enough or great enough to compensate for the hazard to personal rights that would be involved in the execution of the provisions of the bill.<sup>10</sup>

But knowing the political party of any individual — Governors or legislator — would not help predict with any degree of certitude who would endorse eugenic sterilization. For example, among those who first opposed sterilization, Pennsylvania's Samuel Pennypacker was a Republican. A generation later, Alabama's David Bibb Graves issued the final veto as a Democrat. In Georgia, Governor Eugene Talmadge, a Democrat, vetoed a 1935 sterilization bill that was subsequently signed after the next legislative session in 1937 by Ellis Arnall, another Democrat.

Even more remarkably, Pennsylvania twice passed sterilization bills that were vetoed. In the first instance (1905), Republican state Senator William C. Sproul shepherded the bill through passage, only to have Republican Governor Samuel Pennypacker veto it. In 1921, state Senator George Woodward, a Republican, sponsored the bill but it was vetoed by the man who had introduced similar legislation sixteen years earlier; by then he had been elected Governor William C. Sproul, and was still a Republican.

### Were Eugenic Sterilization Bills Sponsored by “Progressives?”

Since the 1960s, there has been a flood of scholarship and popular commentary on the history of eugenics in America. Some of that commentary has attempted to link eugenic enactments with political movements like “Progressivism.” But scholars have understood for some time that attempting to explain the passage of eugenic legislation by claiming that one ill-defined ideological faction alone supported such laws did little to advance our understanding of the legislative process. For example, Donald Pickens' 1968 book *Eugenics and the Progressives* was an early attempt to analyze the impact of progressive ideology on eugenic activism. Pickens argued that “eugenic policy was basically conservative and the scientists and politicians who adhered to it were likewise conservative, despite the fact that they called themselves progressive reformers.”<sup>11</sup> One reviewer of Pickens' book stated: “To put it another way, according to Pickens, “conservatives” supported eugenics as a means of protecting the status quo of power, money, and social hierarchy.”<sup>12</sup>

Yet even in the first decades of the 20th Century, “progressivism” was a fluid concept with shifting boundaries. Unfortunately, Pickens never defined what another reviewer termed the “inchoate movement toward

political reform” characterized as “progressivism,” and “lumped together under that term ideas such as Darwinism, naturalism, revolution, class struggle, industrialization and the multitude of urban problems.” Said the reviewer, “that list of words seems too great a social and political burden for one term to bear.”<sup>13</sup>

Political pundits routinely identify eugenics as an entirely “progressive” enterprise,<sup>14</sup> while in contrast to Pickens, other scholars have missed the mark in the other direction, labeling eugenics as a “conservative” impulse.<sup>15</sup>

Other scholars of eugenics have emphasized the flexibility in the progressive label, noting that “progressivism attracted followers from all parts of the political spectrum, ...[and] eugenicists ranged from conservative elitists such as [Charles] Davenport through liberals such as [David Starr] Jordan to such radical leftists as geneticist Hermann J. Muller.”<sup>16</sup> The point is easily underlined by recalling that the first six presidents of the twentieth century — Theodore Roosevelt, William Howard Taft, Woodrow Wilson, Warren Harding, Calvin Coolidge, and Herbert Hoover — each supported some eugenic policies.<sup>17</sup> Similarly, Supreme Court Justices known as “anti-progressives,” who regularly struck down “progressive” labor laws also voted to validate statist measures such as Virginia's sterilization law in *Buck v. Bell*.<sup>18</sup> Recently an entire book took on the “progressive” pedigree of much eugenic advocacy conceded that using “progressive” as a one-dimensional label was likely to force a writer to abandon nuance.<sup>19</sup>

In this study, I list several legislators who identified themselves as Republican or Democrat, but simultaneously claimed a “progressive” label. Among Governors who vetoed sterilization laws, both Democrat Bibb Graves and Republican Samuel Pennypacker have been described as “progressives,”<sup>20</sup> while in Georgia, Democrat Eugene Talmadge vetoed a sterilization bill precisely because he thought it was too “progressive.”<sup>21</sup> In the two states where sterilization laws became law without a governor's signature (Kansas and Nebraska) both a Democrat and a Republican were governors, and both were also widely identified as “progressives.”

### Doctors

Although nearly twice as many Republicans as Democrats sponsored sterilization laws, and Republican governors who signed the bills outnumbered Democrats in roughly the same proportion, it is easy to make too much of these political labels. With good reason, much of the existing state level scholarship on eugenic sterilization laws has focused on people whose lobbying efforts were critical to the passage of steriliza-

tion laws, rather than the legislators themselves. The lawmakers often took their cues from constituents for whom these laws were much more important. The period when sterilization laws were first passed (1907-1937) coincided with the growth of organized medicine with heightened emphasis on formal medical education<sup>22</sup> and the growing attention to credentialed expertise was simultaneously one of the hallmarks of “progressive” thought, and an emphasis also embraced by leaders in eugenics.<sup>23</sup>

Among the most noteworthy advocates of sterilization were physicians such as Harry Sharp in Indiana, the first state with a law, or Frederick Winslow Hatch in California, the state with the most operations.<sup>24</sup> Drs. Albert Priddy and Joseph DeJarnette of Virginia played roles as eugenic leaders who not only advanced an important sterilization law, but also orchestrated a Supreme Court case to validate that law, which was

islati ve sponsors), while two other states relied upon other health care providers (a dentist, West Virginia, and a pharmacist, Idaho) and Connecticut’s 1909 law was sponsored by an undertaker.<sup>35</sup> Almost half of the bills that eventually passed originated with a legislator with professional training and/or experience in a health-related occupation.<sup>36</sup> There were also at least four sponsors who identified as lawyers and an equal number of sponsors listed as farmers, with a smattering of businessmen, bankers and others of unidentified occupation.

### Conclusion

This paper challenges the assertions of both scholarly commentators and media pundits who may too simplistically attempt to corral the range of interests and the goals of all things eugenic into political or ideological categories that have changed dramatically over

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then deployed to sterilize the second highest total of patient of any state.<sup>25</sup> Bethenia Owens-Adair of Oregon,<sup>26</sup> Charles Fremont Dight of Minnesota,<sup>27</sup> William Partlow of Alabama<sup>28</sup> and Oklahoma’s Louis Henry Ritzhaupt<sup>29</sup> were other prominent physicians whose advocacy in favor of sterilization laws did much to guarantee their passage. Other physicians like Harry Perkins of Vermont,<sup>30</sup> William Allen of North Carolina,<sup>31</sup> and Victor Vaughn of Michigan<sup>32</sup> filled the ranks of sterilization advocates, too numerous to name individually.

Like pioneering 19th Century surgeons Albert Ochsner<sup>33</sup> and J. Ewing Mears,<sup>34</sup> who developed the surgical technologies of vasectomy and crusaded for the surgical intervention as a tool of eugenics, physicians were among the most fervid supporters of eugenic laws.

Given the widespread advocacy for sterilization laws on the part of physicians, it should not surprise us that one of the most telling descriptors among the legislative sponsors of sterilization laws was not political party, but professional background. At least twelve different doctors sponsored laws in eleven different states (Montana had two different physicians as leg-

time. It is even more problematic to assume that party names or political labels such as “progressive,” that have been in use for over a century, have maintained a static ideological significance.

Politicians of both major political parties sponsored and endorsed eugenic sterilization statutes during the three decades (1907-1937) in which thirty-two states adopted those laws. There were approximately twice as many Republicans than Democrats among legislative sponsors and a few more Republican governors who signed sterilization bills into law. Legislators with some kind of medical occupation accounted for almost half of all the successful bills for sterilization. Although physicians were involved in the passage of many sterilization laws, even more made their way into the statute books without the need for medical advocates among lawmakers.

Given the indeterminacy of political party labels, and the myriad meanings that people assigned to “eugenics” during the thirty years that sterilization bills became law in the states, it is of little value to claim that any one party, political movement or occupational group can be credited, or blamed, for the success of eugenic sterilization laws.

## Note

The author has no conflicts of interest to disclose.

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1. The Virginia law endorsed by the US Supreme Court in *Buck v. Bell*, 274 U.S. 200 (1927), included this phrase, see “An Act to provide for the sexual sterilization of inmates of State institutions in certain cases,” Virginia Acts of Assembly, Chapter 394, 1924.
2. P. K. Wilson, “Bad Habits and Bad Genes: Early 20th Century Eugenic Attempts to Eliminate Syphilis and Associated ‘Defects’ from the United States,” *Canadian Bulletin of Medical History* 20, no. 1 (2003): 11–41; S. Rensing, “Falling in Love Intelligently: Eugenic Love in the Progressive Era,” *Journal of Popular Romance Studies* 5, no. 2 (2016): 1–19; P. A. Lombardo, “A Child’s Right to Be Well Born: Venereal Disease and the Eugenic Marriage Laws, 1913–1935,” *Perspectives in Biology and Medicine* 60, no. 2 (2017): 211–232.
3. Because the procedural details of statutes passing into law absent explicit gubernatorial endorsement are not uniform among the states, I have counted neither of these instances in my totals by party.
4. “State Assembly Now in Session: Governor Urges Sterilization,” *Morning Register* (Eugene, Oregon), Jan. 14, 1913. 1. Oregon sterilization history is complicated. In 1913, state Representative L. Guy Lewelling and state Senator Robert S. Farrell, both Republicans, sponsored a successful sterilization bill that was subsequently signed by Democratic Governor Oswald West. Opponents mounted a referendum, and repealed the law before it went into effect, see J. Freeman, “Oregon Anti-Sterilization League,” *Oregon Encyclopedia*, available at <[https://www.oregonencyclopedia.org/articles/oregon\\_anti-sterilization\\_league](https://www.oregonencyclopedia.org/articles/oregon_anti-sterilization_league)> (last visited March 2, 2023). A new law was passed in 1917.
5. Inaugural Message of James Withycombe to the Twenty-Eighth Oregon Legislative Assembly, 1915, available at <<http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/6777847>> (last visited March 2, 2023).
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7. R. B. House, ed., *Public Letters and Papers of Thomas Walter Bickett, Governor of North Carolina, 1917–1921*, (Raleigh: Edwards & Broughton, 1923) “Message to the Legislature,” March 13, 1919, 280.
8. H. H. Laughlin, *Eugenical Sterilization in the United States* (Chicago: Psychopathic Laboratory of the Municipal Court, 1922): 35–36.
9. “Adams Vetoes Sterilization for Defectives,” *Fort Collins Express-Courier*, April 12, 1927, 6. Adams issued his veto only three weeks before the U.S. Supreme Court declared sterilization constitutional in the *Buck* case.
10. “Senate Rushes Revenue Bill to Completion,” *Anniston Star*, Jun 26, 1935, 1.
11. D. K. Pickens, *Eugenics and the Progressives* (Nashville, TN: Vanderbilt University Press, 1968): 9.
12. R. S. Cowan, “Eugenics and the Progressives,” *Quarterly Review of Biology* 44 (1969) 398.
13. L.C. Dunn, “Book Reviews,” *American Journal of Human Genetics* 21, no. 3 (1969): 310–312.
14. An example of the trend to merge “progressive” and “eugenic” appeared in a column of George F. Will, long time syndicated columnist. Will asserts it is possible to label most, if not all supporters of eugenics as “progressives” “because eugenics coincided with progressivism’s premises and agenda.” He claims that “eugenics had many advocates between 1875 and 1925” even though the word eugenics was not even coined until 1893. G. Will, “The Liberals who Loved Eugenics,” *Washington Post*, March 8, 2017. Will fails to explain how the eugenic visions of people as varied as Madison Grant, a rock-ribbed Republican, darling of the organized eugenics movement and author of the most famous book on racial eugenics, *The Passing of the Great Race* (1916), or then Secretary of Commerce Herbert Hoover, a member of the sponsoring committee of the 1921 2nd International Congress of Eugenics, fit neatly into the undefined fold of “progressivism.” He also indiscriminately lumps modern college students under the “progressive” banner, as if they shared all the policy assumptions of those who invoked that term in the first two decades of the 20th Century.
15. For example, the economic historian Deidre McClosky asserts in *Bourgeois Equality* that “the right seized upon social Darwinism and eugenics to devalue the liberty and dignity of ordinary people, and to elevate the nation’s mission above the mere individual person, recommending, for example, colonialism and compulsory sterilization and the cleansing power of war.” D. McCloskey, *Bourgeois Equality: How Ideas, Not Capital or Institutions, Enriched the World* (Chicago: University of Chicago Press, 2016): xviii. Like Pickens and in contrast to George Will, McClosky points to people on “the right” of the political spectrum to explain the success of eugenics in the U.S. Diane B. Paul, *The Politics of Heredity* (Albany: State University of New York Press, 1998) provides an even-handed analysis of these issues.
16. E. J. Larson, *Sex, Race and Science: Eugenics in the Deep South* (Baltimore: Johns Hopkins, 1995): 30.
17. P. A. Lombardo, “Disability, Eugenics and the Culture Wars,” *St. Louis University Journal of Health Law and Policy* 2 (2009) 57–79.
18. H. Hovenkamp, “The Progressives: Racism and Public Law,” *Arizona Law Review* 59 (2017): 947–1003. See also, H. Hovenkamp, “Appraising the Progressive State,” *Iowa Law Review* 102, no. 3 (2017): 1063–1112, at 1083. Hovenkamp lists Justices James McReynolds, George Sutherland, and Willis Van Devanter as three of the four “Anti-Progressives” on the *Buck* Court.
19. T. C. Leonard, *Illiberal Reformers: Race, Eugenics and American Economics in the Progressive Era* (Princeton & London: Princeton University Press, 2016).
20. For a sketch of Pennypacker’s political leanings, see F. J. Sicius, *The Progressive Era: A Reference Guide* (ABC-CLIO: Santa Barbara, CA, 2015). On Graves’ politics, see William E. Gilbert, “Bibb Graves as a Progressive, 1927–1930,” *Alabama Review* 10 (1957): 15–30.
21. Larson, *Sex, Race and Science*, *supra* note 16.
22. K. M. Ludmerer, *Time to Heal: American Medical Education from the Turn of the Century to the Era of Managed Care* (Oxford: Oxford University Press, 1999): 3–8.
23. A. S. Link and R. L. McCormick, *Progressivism* (Arlington Heights, IL: Harlan Davidson, 1983) describe one feature of progressivism as “entrusting trained experts to decide what should be done.” (Page 24.)
24. A. M. Stern, “From Legislation to Lived Experience: Eugenic Sterilization in California and Indiana, 1907–1909,” in *A Century of Eugenics in America: From the Indiana Experiment to the Human Genome Era*, ed. P.A. Lombardo (Bloomington: University of Indiana Press: 2011).
25. P. A. Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court and Buck v. Bell* (Baltimore: Johns Hopkins University Press, 2008).
26. M. A. Largent, *Breeding Contempt: The History of Coerced Sterilization in the United States* (New Brunswick: Rutgers University Press, 2008).
27. N. R. Holtan, *From Eugenics to Public Health Genetics in Mid-Twentieth Century Minnesota*, (Ph.D. Dissertation, University of Minnesota, 2011) 52–55.
28. Larson, *Sex, Race, and Science*, *supra* note 16.
29. V. Nourse, *In Reckless Hands: Skinner v. Oklahoma and the Near-Triumph of American Eugenics* (New York: W.W. Norton, 2008).
30. See generally, N. L. Gallagher, *Breeding Better Vermonters: Eugenics in the Green Mountain State* (Lebanon, NH: University Press of New England, 1999).

31. K. Begos, et al., *Against Their Will: North Carolina's Sterilization Program* (Apalachicola, FL: Gray Oak Books, 2021).
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34. P. A. Lombardo, "When Harvard Said No to Eugenics: The J. Ewing Mears Bequest, 1927," *Perspectives in Biology and Medicine* 57, no. 3 (2014): 374-392.
35. Connecticut legislator Wilbur Tomlinson was an undertaker, see William Harrison Taylor, *Legislative History and Souvenir of Connecticut* (1910) 94.
36. The 1927 bill that passed but was ultimately vetoed in Colorado also had a physician as sponsor.
37. Sterilization numbers taken from P. A. Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court and Buck v. Bell* (Baltimore: Johns Hopkins University Press, 2008).
38. The most useful sources to identify the political affiliation of legislators were often local newspapers, available as archived copies on Newspapers.com. Extensive information on state level lawmakers may be found at politicalgraveyard.com.
39. Party affiliations and biographical details for state governors listed in these tables, available at <<http://www.nga.org>> (last visited March 2, 2023).
40. 1911 Nevada ("Code Commission") (Revised Laws of Nevada, Crimes and Punishments, Section 6293, sec. 28, "Prevention of Procreation") (Appendix to Journals of Senate and Assembly ... of the ..., Volume 25, Part 2, 114 Nevada.
41. "George H. Hodges," Kansapedia, available at <<https://www.ksks.org/kansapedia/george-h-hodges/17114>> (last visited March 2, 2023). Hodges was identified as a Democrat and "progressive." The Bill became law without the Governor's signature. *Eugenics Record Office Bulletin: Report of the Committee to Study and to Report on the Best Practical Means of Cutting Off the Defective Germ-Plasm in the American Population*, 1914, 30.
42. This law was also adopted without the Governor's signature.
43. Dixon was chairman of the National Progressive Convention in 1912, available at <<https://www.theodorerooseveltcenter.org/>> (last visited March 2, 2023).
44. The Northwestern Druggist: *A Progressive Journal for Retail Druggists* Volume 14 (1913).
45. Minnesota lawmakers of the period ran in nonpartisan races with no party identification, available at <<https://www.lrl.mn.gov/legdb/fulldetail?id=13828>> (last visited March 2, 2023); see also C. R. Adrian, "The Origin of Minnesota's Nonpartisan Legislature," *Minnesota History*, XXXII (Winter, 1952).
46. Alabama's first law was passed in 1919; this bill would have replaced it.